

JOINT REGIONAL PLANNING PANEL
Meeting of Sydney West, 29 August 2013

JRPP No	2012SYW089
Council DA Number	1610/2012/DA-RS
Local Government Area	Campbelltown City Council
Proposed Development	Airds Bradbury Renewal Project Stage 1 Subdivision to create 184 residential lots and 1 open space lot, with associated subdivision works including construction of new roads, drainage, site regrading and retaining, utility services and landscaping
Capital Investment value	
JRPP Referral Criteria	
Street Address	Georges River Road, Riverside Drive and Peppin Crescent
Applicant/Owner	NSW Land and Housing Corporation with Landcom (now UrbanGrowth NSW) as project manager
Number of public submissions	Nil
Recommendation	Approval with Conditions of consent
Report by	Scott Lee, Executive Planner, Government and Special Projects, Campbelltown City Council

Attachments:

1. Site location plan
2. Proposed lot layout and staging plan
3. Table prepared by applicant summarizing consistency between Stage 1 and terms of approval of the concept plan
4. Submission from Transport for NSW
5. Plan of temporary access route for Busways depot and Endeavour Energy substation
6. Proposed schedule of works included in Works In Kind Agreement
7. Letter from DoPI approving Biodiversity Offset Strategy
8. Recommended Conditions of Consent

Statutory provisions

State and Regional Environmental Planning Policies

State Environmental Planning Policy No.55 (Remediation of Land),
State Environmental Planning Policy (Affordable Rental Housing) 2004,
Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment

Local Planning Instruments and Controls –

Campbelltown (Urban Area) Local Environmental Plan 2002
Campbelltown Sustainable City Development Control Plan Volume 2 2009
Airds Bradbury Development Control Guidelines (approved as part of concept plan)

Non Statutory Provisions

Campbelltown 2025 Looking Forward

Purpose of the Report

The purpose of this report is to assist in the determination of the subject Development Application (DA) in accordance with the provisions of the Environmental Planning and Assessment Act, 1979.

Approval process

The applicant for the DA is NSW Land and Housing Corporation, although Landcom (now UrbanGrowthNSW) is acting as the project manager. It has been lodged as a Crown application with a Capital Investment Value (CIV) of \$12.7M. Therefore under clause 23G and Schedule 4A of the Environmental Planning and Assessment Act 1979 (the EP&A Act), the Sydney West Joint Regional Planning Panel (JRPP) is the consent authority. Under the processes established by the Environmental Planning & Assessment Act 1979, Campbelltown City Council will undertake the assessment of the application and then refer the matter to the JRPP for determination.

Property Description Lots 7-42 DP866527, Lots 5, 13-15, 19, 22 and 24 DP716139, Lots 2 and 3 DP264110, Lot 1022 DP717128, Lot 347 DP752062 and Lot 37 DP228276

Applicant NSW Land and Housing Corporation (in conjunction with UrbanGrowth NSW as development project managers)

Owner NSW Land and Housing Corporation and Campbelltown City Council.

Date received 10 August 2012

Background

The Airds Bradbury Renewal Project (ABRP) is a significant urban renewal project that has received Concept Plan approval from the Minister for Planning pursuant to Part 3A (transitional arrangements) of the Environmental Planning and Assessment Act. (Note that provisions relating to major projects under the previous Part 3A regime have now been repealed).

Campbelltown City Council was delegated the authority to undertake the environmental assessment of the Concept Plan and did so over the period of June – December 2011 culminating in a Council resolution of support for the project at the

Council meeting of 13 December 2011. Support at that stage was with the exception of one small area of open space (Baden Powell Reserve). This outstanding matter was eventually dealt with to Council's satisfaction resulting in a further resolution of support at the Council meeting of 3 July 2012.

A Concept Plan approval was subsequently issued by the Minister on 24 August 2012, followed by a Section 75R(3A) Order on 24 May 2013 that amended the zoning of the project land to be consistent with the approved concept approval.

The Airds Bradbury estate was built in the 1970's and early 1980's and comprises approximately 1,540 dwellings, 94% of which are in public ownership, with only 91 dwellings privately owned. The ABRP seeks to rejuvenate the locality through a revised street layout, improved parks, public areas, new and upgraded community facilities and importantly, a more diverse socio-economic resident population.

Under the Concept Plan, poorly performing townhouse areas will be demolished and redeveloped, whilst existing cottages will be selectively upgraded.

In summary, the Concept Plan, which is proposed to occur over 9 stages, involves:

- Retention of approximately 880 existing dwellings on separate lots and construction of approximately 1200 new dwellings, resulting in an increase from approximately 1,540 to approximately 2,100 dwellings
- A different socio-economic mix within the estate residents, with 70% of housing stock to be privately owned and 30% retained as public housing
- Reinvigoration of the Airds Town Centre
- New and upgraded urban infrastructure such as pathways, lighting, open space, community facilities, drainage and roads
- Utilities and infrastructure delivery plan through the execution of a Voluntary Planning Agreement that will set out the value, quality and timing of the delivery of infrastructure and public amenities
- Airds Bradbury Development Control Guidelines, street layout and building typologies, street tree and landscaping strategy, which are all aimed at achieving a consistently high level of urban design and amenity

Proposed development under this Development Application

The proposed development is described as Stage 1 of the ABRP, which is located in the northern part of the renewal project site, immediately adjacent to Georges River Road. It involves the following:

- Subdivision to create 184 residential lots and 1 open space lot
- Associated works including excavation, road grading and benching, construction of roads, stormwater drainage, utility services and landscaping
- Removal of redundant services, sedimentation control and tree removal
- Street landscaping and vegetation restoration in the Smiths Creek reserve

Attachment 1 is a site location plan.

Attachment 2 is a plan of the proposed lot layout and staging plan for the Stage 1 subdivision.

Demolition of a significant number of existing cottages has already been undertaken in preparation for this development.

Notification

The application was placed on public exhibition and notified to adjoining property owners within Airds and the adjoining suburb of Ruse on the northern side of Georges River Road, during the period 3 September 2012 to 5 October 2012.

Various government agencies including the Rural Fire Service, Office of Water and Sydney Water were notified.

Requirements of the Concept Plan approval

Schedule 6A of the *Environmental Planning and Assessment Act, 1979*, contains provisions that apply with respect to approvals of concept plans. One such provision is Clause 3B(2)(d) that requires a consent authority to be satisfied that development is '*generally consistent*' with the terms of the approval of the concept plan.

The area occupied by the Stage 1 DA, the road layout and the approximate number of lots to be created, are all consistent with the concept approval.

Attachment 3 is a Table, extracted from the Statement of Environmental Effects prepared for the applicant, that sets out how they believe the Stage 1 application has achieved consistency with the terms of approval of the concept plan.

There were a number of specific conditions of consent attached to the concept approval that required satisfaction before any consent could be granted to subsequent development. The following Table sets out these specific conditions and comments on how they are being addressed.

Specific conditions of consent contained within Part B – Modifications to the Concept Plan or Schedule 4 – Further Environmental Assessment requirements	Consistency of 1610/2012/DA-S with concept plan conditions
<p>Building setbacks</p> <p><i>The proposed Masterplan shall be amended to reflect the provision of a 6m rear building setback to properties that adjoin the Reiby Juvenile Justice Centre. The Airs Bradbury Urban Renewal Development Control Guidelines and approved Concept Plan for Airs Bradbury shall be amended to reflect this amendment and submitted to Council prior to any future application.</i></p>	<p>This requirement affects approximately 20 proposed allotments to be created as part of Stage 6 of the ABRP. Currently there are 13 townhouses which have building setbacks to the Reiby Juvenile Justice Centre boundary that vary between 12-20 metres. The proponent proposes that this matter be addressed in the future, when Development Applications for Stage 6 subdivision are lodged (potentially 5-7 years). As this requirement has no bearing on Stage 1, this is not an unreasonable request. It will also allow consideration of the appropriateness of the 6m setback requirement to be assessed having regard to circumstances that exist at the time.</p>
<p>Fencing strategy</p> <p><i>The proponent is to submit to Council a fencing strategy for the project site prior to the determination of the stage one development application.</i></p>	<p>A fencing strategy is included in the overall landscape report with sufficient detail for Stage 1 to satisfy this requirement. See further comments in Section 6 Assessment of Significant Issues.</p>
<p>Traffic and transport</p> <p><i>Revised plans and further details are to be provided to Council prior to any future application OR prior to the first application relating to land adjoining the Busways depot and Endeavour Energy substation illustrating the retention of vehicle access to the Busways Depot and Endeavour Energy substation that are located adjacent to Smiths Creek Corridor. The plans shall detail how vehicle access will be maintained to the abovementioned properties over the various stages of the development.</i></p>	<p>This matter has been addressed in the Traffic Report that accompanies the Stage 1 application and through subsequent confirmation of discussions with representatives of Busways and Endeavour Energy. A submission has been received from Transport for NSW. See further comments in Section 6 Assessment of Significant Issues.</p>

<p>Landscaping</p> <p><i>Landscape entry statements are to be provided at the key entry points to the estate from St Johns Road and Georges River Road. Details on proposed treatments and works are to be provided as part of the landscape strategy to be submitted and approved by Council prior to any future application. The landscape strategy must incorporate a landscape buffer, consisting of screen planting of endemic species, within Georges River Road, in order to effectively screen rear fences and discourage graffiti. Details of this screen planting are to be included in the Development Applications for Stage One of the development.</i></p>	<p>Sufficient information for the Stage 1 DA has been provided in a Landscape Masterplan Report which includes details of an entry statement at Georges River Road. Work at St Johns Road is not scheduled until Stage 3 and it is considered reasonable that details of this entry be required at the time of lodgment of Stage 3 applications. See further comments in Section 6 Assessment of Significant Issues</p>
<p>Open Space</p> <p><i>The proposed Concept Plan shall be amended in consultation with Council to reflect the amended layout for Baden Powell Reserve and Merino Reserve as set out in the correspondence from Landcom dated 21 June 2012. The amended concept plan shall be submitted to the Director-General for approval prior to any future application.</i></p>	<p>The Concept Plan approved by the Minister shows the amended layout for Baden Powell Reserve and Merino Reserve as agreed by Council in its resolution of 3 July 2012.</p>
<p>Biodiversity Offset Package</p> <p><i>The biodiversity offset package shall be amended to address the principles for offset packages as set out in the letter from the Office of Environment and Heritage to Campbelltown City Council dated 23 December 2011. This package shall be prepared in consultation with the Office of Environment and Heritage and submitted to the Director-General for approval.</i></p>	<p>A biodiversity strategy has been developed in consultation with the Office of Environment and Heritage. The Department of Planning and Infrastructure have approved of the strategy by letter dated 2 July 2013. See further comments in Section 6 Assessment of Significant Issues.</p>

<p>Development contributions</p> <p><i>Prior to any subsequent subdivision applications being determined, a Voluntary Planning Agreement (VPA) for payment of local infrastructure contributions, with the details of the contributions, and the nature of any land dedications or works in kind is to be negotiated and executed with Council. Each subsequent subdivision application must be consistent with the VPA and identify any relevant contributions or works in kind required to be delivered for that stage.</i></p>	<p>A formal request to modify this condition has been lodged with the Department of Planning and Infrastructure by the project proponent.</p> <p>See further comments in Section 6 Assessment of Significant Issues</p>
<p>Biodiversity Offset Package</p> <p><i>Prior to the determination of any future application for development under the concept plan, the applicant must satisfy the Council that the biodiversity offset package has been approved by the Director-General.</i></p> <p><i>Prior to the determination of any future application which requires the removal of any Cumberland Plain Woodland or Shale Sandstone Transitional Forest, the proponent shall demonstrate to the satisfaction of Council that the measures in the biodiversity offset package have been secured via an approved legal mechanism.</i></p>	<p>Council has received confirmation from the Department of Planning and Infrastructure that the Director-General has approved the Biodiversity Offset package (refer to letter from DoPI to UrbanGrowth NSW dated 2 July 2013)</p> <p>Stage 1 does include removal of some Shale Sandstone Transition Forest as well as the regeneration of same. A Deed of Agreement is the proposed legal mechanism to secure outcomes.</p> <p>See further comments in Section 6 Assessment of Significant Issues</p>
<p>Bushland management</p> <p><i>The draft bushland management plan is to be finalised and approved by Council prior to determination of any subsequent subdivision applications under the approved concept plan. The final plan is to be approved prior to the removal of affected bushland and be consistent with actions identified in the letter from the Office of Environment and Heritage to Campbelltown City Council dated 23 December 2011.</i></p>	<p>A satisfactory Bushland Management Plan has been prepared and submitted.</p> <p>See further comments in Section 6 Assessment of Significant Issues</p>

<p>Contamination</p> <p><i>Prior to any future application for subdivision and if required by the Phase 1 Contamination Assessment approved with the concept plan, a detailed Phase 2 contamination assessment must be carried out in accordance with the requirements of State Environmental Planning Policy No 55 – Remediation of Land.</i></p>	<p>A Phase 1 Environmental Site Assessment for the Stage 1 area has been prepared and supports the submitted DA. It is anticipated that a Remedial Action Plan (RAP) and subsequent site audits will be necessary and can be carried out following the completion of all required demolitions. Appropriate conditions of consent can be imposed, ensuring such actions are carried out prior to issue of any Subdivision Certificate.</p>
<p>Noise Assessments</p> <p><i>Noise assessments are required for applications seeking to subdivide land for future residential purposes that may be affected by noise emanating from the Endeavour Energy substation</i></p>	<p>An acoustic assessment report was provided to support the Stage 1 DA. See further comments in Section 6 Assessment of Significant Issues</p>

Statement of Commitments

The concept approval also requires the proponent to carry out development in accordance with the Statement of Commitments made as part of the final response to submissions and Preferred Project Report of May 2012. These Commitments form Schedule 5 of the Concept Approval and place responsibility upon the proponent to ensure the standard and methods of construction, as well as development outcomes, are of a quality envisaged by the Environmental Assessment Report.

Matters covered by the Statement of Commitments include demolition, social impacts, access and movement, urban design, water cycle management, biodiversity and vegetation, aboriginal culture, open space and community facilities, construction management and utilities.

There are also a range of general issues such as continued consultation with Council and the community throughout the development process (important due to the lengthy timeframe for delivery of the project) and the commitment to enter into a Voluntary Planning Agreement with Council for the provision of roads, social and community infrastructure, drainage and other facilities and amenities as indicated in the Environmental Assessment Report.

The Statement of Commitments is in effect a quality assurance mechanism and a reference tool in the case of any disputes that may arise with regard to the expectations of both parties.

Assessment

The Development Application has been assessed in accordance with the heads of consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, and in that regard, the following issues have been identified for consideration.

1. Applicable planning instruments and controls

Section 79C(1)(a) of the Act requires Council to consider any relevant environmental planning instrument, draft environmental planning instrument or development control plan.

a) State Environmental Planning Policies (SEPP) and Regional Environmental Plans (REP)

State Environmental Planning Policy No. 55 (Remediation of Land)

SEPP 55 requires the consent authority to consider whether land is contaminated, if remediation is required and what is necessary to make it suitable for the proposed development. A Contamination Assessment, prepared by JBS Environmental, was lodged to support the application and concluded that there is likely to be some contamination present on the Stage 1 site. Additional testing into potential contamination will be undertaken following the completion of demolition of existing dwellings when proper access to soils becomes available. If required, a Remedial Action Plan (RAP) will be prepared. This is considered to be an appropriate response to this issue and can be included in appropriate condition(s) of consent.

State Environmental Planning Policy No.44 (Koala Habitat)

SEPP 44 aims to conserve and manage areas of native vegetation that provide habitat for koalas. This issue was considered in detail throughout the assessment of the ABRP Concept Plan. The site is not core koala habitat and therefore it was determined that development could proceed without the need for a formal plan of management. It was acknowledged that koalas visit the site but the Ecology report that supported the ABRP Concept Plan concluded that they were not resident at the site. There were some patches of vegetation that contained 'feed tree species' and these areas were considered as potential koala habitat under SEPP44.

There were no particular conditions of consent imposed upon the Concept Plan Approval that related to koala protection or koala habitat. The Ecological Assessment report prepared by Travers Bushfire and Ecology to support this Stage 1 subdivision concludes that the remnant patches of vegetation would at best provide transitory foraging habitat for koalas. It also notes that the St Helens biodiversity offset site (approved as part of the Biodiversity Offset Strategy) includes an area of known koala habitat which provides compensation for any loss of potential habitat in Stages 1 and 2. It acknowledges that there will be a loss of transient, periodic or fringing koala habitat containing the koala feed trees *Eucalyptus tereticornis* as part of Stages 1 and 2.

In terms of mitigation, it points to the following measures:

- Restoration of Smiths Ck corridor, including fauna habitat enhancement works principally for transient koalas
- Use of *Eucalyptus tereticornis* for habitat enrichment

The general conclusion was that the Airds development would not be likely to reduce the long term viability of any local population of koala. The provisions of SEPP 44 have been addressed satisfactorily.

State Environmental Planning Policy (Affordable Rental Housing)

The Affordable Housing SEPP aims to assist in the delivery of housing stock for low and low-middle income earners and other disadvantaged groups. The Concept Approval is consistent with this SEPP. The SEPP would ordinarily allow the Land and Housing Corporation to undertake subdivision without the need for development consent. However, that provision, Clause 40(2)(c) of the SEPP, does not apply in this case as the subdivision is part of an approved major project where it has been determined that approvals under Part 4 are required for each stage of development.

Greater Metropolitan Regional Environmental Plan No.2 (Georges River Catchment)

The Georges River REP applies to the site as it is part of the Georges River Catchment. It sets out planning principles to be considered that relate primarily to protection of the water quality within the catchment. Such matters as water sensitive urban design, flooding and protection of riparian corridors were all considered as part of the original assessment of the Concept Plan. A Water Cycle Management Plan was prepared and the improvements envisaged by this Plan will be to the benefit of the downstream receiving waters. This application is considered to be consistent with the Concept Plan Approval and therefore compliant with the REP.

b) Campbelltown (Urban Area) Local Environmental Plan 2002

Following the Section 75R(3A) Order of May 2013, the subject site is now zoned 2(b) Residential under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. The proposed subdivision is a permissible use in this zone with consent. Pursuant to Clause 3B(2) of Schedule 6A of the *Environmental Planning and Assessment Act*, which deals with provisions relating to approved Concept plans, the proposed subdivision is permissible.

The proposal is consistent with the objectives of the 2(b) Residential zone, in particular objectives (a) and (e):

(a) to make general provision for land to be used for housing and associated purposes, and

(e) to allow development which:

(i) is compatible with residential use

(ii) is capable of visual integration with the surrounding buildings, and

(iii) serves the needs of the surrounding population without conflicting with the residential intent of the zone,

(iv) does not place demands on services beyond the level reasonably required for residential use

Clause 32 of the Campbelltown LEP deals with subdivision generally. It states:

“32. Subdivision generally

(1) land to which this plan applies may be subdivided only with development consent

(2) Consent must not be granted to the subdivision of land traversed by a zone boundary unless the boundaries of lots so created correspond generally with the boundaries between the zones as shown on the map.

(3) Where the subdivision of land would result in the opening of a new road, the road must accord with any pattern of proposed roads indicated on the map unless the consent authority is satisfied that the road will provide adequate access to adjoining land and fulfills the objectives of the road pattern indicated on the map."

Clause 32(1) permits the proposed subdivision. Clause 32(2) is satisfied because the zoning of the land reflects the Concept Plan. Clause 32(3) is satisfied because the Concept Plan clearly establishes a future road pattern to provide adequate access and the proposed development under the Stage 1 DA is consistent with this.

Clause 39 deals with earthworks and the preservation of trees and requires the consent authority to be satisfied of a range of issues relating to the impacts of proposed works. The earthworks associated with the subdivision have been designed to be sympathetic to the topography of the site and to assist in management of local drainage catchments. Tree removal is consistent with the Concept Plan and is more than balanced by proposed new street tree plantings.

Clause 62 relates to development that may be affected by salinity. This matter has been covered by the geotechnical investigation carried out by Geotech Testing in their report that supports this application. They have provided recommendations on good soil and water management strategies to be adopted for the proposed development of the site.

c) Campbelltown (Sustainable City) Development Control Plan 2009

The Campbelltown (Sustainable City) Development Control Plan 2009 (the DCP), applies to all land within the Campbelltown Local Government Area except where more specific development controls have been drafted for specific localities. Such situations are generally large co-ordinated urban release or urban renewal projects, such as the Airds Bradbury Renewal Project (see Point (d) below)

d) Development Control Guidelines

Development Control Guidelines (DCG) formed part of the Concept Plan approval in order to provide guidance, in the manner of a Development Control Plan, to the detailed design of new development within the ABRP. Within the Guidelines, there are specific objectives relevant to subdivision and these are set out below:

- *Provide a range of lot sizes with the more intensive development located closer to the town centre, around parks and along bus routes;*
- *Provide lot dimensions capable of accommodating a range of affordable house types*
- *Create efficient layouts that respond to existing site conditions and context;*
- *Ensure that subdivision provides safe connections with an extension of existing street patterns, as well as any pedestrian, cycleway and public open space networks;*
- *Promote walking and cycling as the primary mode of travel within a residential neighbourhood;*

- *Provide a network of bus, pedestrian and cycle routes within the public domain which connect open space areas and community facilities and encourage alternative modes of transport.*

There is no inconsistency or conflict between the Stage 1 subdivision and the DCG objectives for subdivision.

The DCG also contain some specific requirements in terms of lot size and design.

1. *Design of residential allotments shall have regard for the impact of orientation, slope and aspect to facilitate solar access to future dwelling development.*
2. *All proposed allotments shall have a street frontage*
3. *Battle axe lots shall only be permitted where a street frontage cannot otherwise be provided because of existing conditions*
4. *All allotments intended for residential housing will have a minimum site area of 200 square metres with a minimum width measured at the building line of 6 metres*
5. *Any allotment with a width to the street frontage of less than 9 metres is to have the garage located to the rear of the property accessed from a rear lane or accessway*
6. *Allotments are to have a minimum depth of 25 metres*

The Stage 1 subdivision has adhered to these requirements. There are no lots less than 200 square metres in area. Lot sizes range from 315 sqm to 979sqm with 140 lots less than 500 sqm and 44 lots greater than 500sqm. All lots are at least 25 metres deep with minimum widths of 6 metres at the building line. There are seven (7) battle axe lots proposed, however this is supported as they are designed to avoid additional frontages to Georges River Road and Riverside Drive which would not be suitable. These lots are larger in area to compensate for being internal lots and have dimensions suitable for future dwelling construction. There is one (1) lot proposed with a width to the street frontage of less than 9 metres, however this lot widens at the building line to enable a standard dwelling design to be accommodated.

e) Section 94A Development Contributions Plan

Council has an adopted Section 94A Development Contributions Plan that came into effect in August 2011. This plan applies across the LGA and collects a monetary contribution from development (based on a levy related to the value of the proposed development), for the provision of a range of new and augmented public facilities.

However, as part of the approval of the Airds Bradbury Renewal Project, it is intended to enter into a Voluntary Planning Agreement between Campbelltown City Council and NSW Land and Housing Corporation to deal with the delivery of public infrastructure improvements such as roads, drainage, public reserves and community facilities. This would be in lieu of the Section 94A Plan. The Concept Plan Approval was conditioned to require the execution of this VPA prior to approval of any subsequent development. This issue is discussed in Part 6 of this report.

f) Campbelltown 2025 Looking Forward

Campbelltown 2025 Looking Forward is a statement of broad town planning intent for the longer term future of the City of Campbelltown that:

- *Responds to what Council understands people want the City of Campbelltown to look, feel and function like;*
- *Recognises likely future government policies and social and economic trends; and*
- *Sets down the foundations for a new town plan that will help achieve that future.*

The document establishes a set of strategic directions to guide decision making and development outcomes. These directions are broad in nature and form a prelude to a new statutory town plan for the City.

The strategic directions relevant to this application are:

- *Growing the Regional City*
- *Building a distinctive Campbelltown sense of place, and*
- *Creating employment and entrepreneurial opportunities*

The proposed development is generally consistent with these directions. The development contributes to the growth of the regional city of Campbelltown and seeks to recreate Airds into a distinctive local suburb.

Some of the relevant desired outcomes of the strategic directions included in *Campbelltown 2025 Looking Forward* are:

- *Urban environments that are safe, healthy, exhibit a high standard of design and are environmentally sustainable;*
- *An impression of architecture that engages its environmental context in a sustainable way; and*
- *Development and land use that matches environmental capacity and capability.*

The proposed Airds Stage 1 subdivision is the beginning of a number of proposed stages of development where each stage will build on the previously approved stages of development. It will be the beginning of a process that will in the longer term provide a contemporary residential subdivision with significant improvements to the public domain.

2. Impact of the development

Section 79C(1)(b) of the *Environmental Planning and Assessment Act, 1979*, requires the consent authority to consider potential impacts arising from the development on the natural and built environments as well as assessing any social or economic impacts.

In terms of social and economic impacts, the development is considered to be overwhelmingly positive. The Airds Bradbury Renewal Project had the aim of providing improved housing in a renewed urban environment. As the stages of development proceed, these aims will be met. This application for Stage 1 will commence the process of delivering positive outcomes for Airds Bradbury.

The proposed development poses no adverse impacts on the built environment. On the contrary, it will facilitate a variety of future residential development that will

contribute to an improved character for the locality. The street patterns and road hierarchy will make a positive contribution to the streetscape through improved amenity, efficiency and safety. The proposal introduces specific road improvements, including traffic calming. A traffic analysis supported the Concept Plan application, which concluded that forecast traffic flows for the roads will not exceed the levels appropriate for the respective road classifications and that intersection control, traffic management and road layout are appropriate. The *Safer by Design Guidelines* which underpin the Crime Prevention Through Environmental Design (CPTED) principles, were a part of the original Concept Plan assessment process. Access control, opportunities for surveillance and space management are all intended to minimize crime risks and are all present in the proposed lot layout.

The development poses no unmanageable adverse impacts upon the natural environment. A comprehensive flora and fauna report was prepared to support the Concept Plan assessment process which identified the ecological values of the site. There will be some tree loss as a result of new roads and building platforms, however this is offset by embellishment within open space areas and new street tree plantings. A Landscape Statement has been provided prepared by suitably qualified landscape architects. It provides design plans and covers proposed street tree plantings. Such plantings will extend the use of species determined in Stages 1-11 with the use of predominately native species. The existence of Shale Sandstone Transition Forest, a recognized Endangered Ecological Community, has been well documented and considered as part of the concept plan approval. The proposed Bushland Management Plan is considered to be satisfactory.

There is a low risk of land contamination, with any contamination being able to be remediated using standard techniques. A Waste Management Plan has been prepared to deal with any waste generated, including excess spoil.

3. Suitability of the site

Section 79C(1)(c) of the *Environmental Planning and Assessment Act, 1979*, requires the consent authority to consider the suitability of the site for the proposed development.

The site is part of the Airds Bradbury Renewal Project area and has been zoned and approved for residential development of the type proposed by this application. The suitability of the land for development was thoroughly tested as part of the assessment process for the Concept Plan approval, including the issues of soil, flora, fauna, traffic and hydrology. The Concept approval and staging plan of the project provides for the efficient and orderly development of the land and the site is suitable for the proposed development.

4. Submissions

Section 79C(1)(d) of the *Environmental Planning and Assessment Act, 1979*, Requires the consent authority to consider any submissions received as a result of the public notification of the application.

Immediately adjoining property owners were notified by letter and the proposal was advertised in the local press in accordance with Council's Notification and Public Exhibition Policy. No public submissions were received.

Submissions were received from the Rural Fire Service and the Department of Primary Industries (Fisheries), neither of which raised any objections or issues requiring any modifications to the application. A submission was also received from Transport for NSW which is discussed in Section 6.

At the time of finalizing this report, no formal written submission had been received from Campbelltown City Council. However, it is understood that the Council do intend to make a late written submission and will be in attendance at the Panel meeting in order to address the Panel.

5. Public Interest

Under Section 79C(1)(e) of the *Environmental Planning and Assessment Act, 1979*, the consent authority is required to consider the public interest when assessing any development application.

It is considered that the application is clearly in the public interest. In fact, the catalyst for the Airds Bradbury Renewal Project was a desire to improve the public amenity of a locality that had been recognized as failing in basic environmental and social amenity. There is social benefit in the embellishment of community infrastructure and the provision of residential opportunities for a broader cross section of the community than previously catered for.

The proposed development is in accordance with the relevant planning instruments and policies and will not have any negative environmental impacts. The economic benefits will be multiplied throughout the broader economy and public health will benefit through the improved housing standards and improved community services. All of these outcomes are in the public interest.

6. Assessment of significant issues

Fencing strategy

Part B Condition 2 of the Concept Approval states:

The proponent is to submit to Council a fencing strategy for the project site prior to the determination of the stage one development application.

The Stage 1 DA was supported with details of a fencing strategy that is part of a comprehensive Landscape Masterplan report. The aim, from an aesthetic perspective, is to give Airds Bradbury a unified appearance, while from a practical perspective it is to define the public domain from the private space to give a greater sense of privacy for residents.

The fence types proposed respond to the scale of the road and the level of privacy required. There are three fence types proposed:

- Masonry piers with metal fence in-fills – collector roads
- Masonry piers and hedging – local roads

- Lap and cap timber - secondary front fencing on corner lots and back fences along Georges River Rd

The proposed fencing details are satisfactory.

Traffic and transport (Bus route)

Part B Condition 3 of the Concept Approval states:

Revised plans and further details are to be provided to Council prior to any future application OR prior to the first application relating to land adjoining the Busways depot and Endeavour Energy substation illustrating the retention of vehicle access to the Busways Depot and Endeavour Energy substation that are located adjacent to Smiths Creek Corridor. The plans shall detail how vehicle access will be maintained to the abovementioned properties over the various stages of the development.

This issue has been the subject of extensive discussions between the proponent, Campbelltown City Council, Busways and Endeavour Energy. A range of long term alternatives were investigated. After the matter was raised with Transport for NSW, a submission was received from them. (**Attachment 4**).

In the short term, as the earth works and civil works for Stage 1 subdivision are being constructed, a temporary access will be provided to both sites (see **Attachment 5**). There are no objections to this temporary arrangement.

Upon completion of the Stage 1 works, permanent access to the bus depot and substation sites is proposed to be via new roads Nos. 1 and 8 within the subdivision, following the most direct route that is suitable for the largest vehicles required to access the sites. This route will minimize the potential for impacts upon residents by avoiding existing residents to the north west (Manning, Hunter and College Streets) and minimizing the number of new allotments that have a frontage to the new route.

Busways have advised Council that they would have preferred a more direct route as they are concerned that there is an increase in the travel distance from Georges River Road to the depot as a result of the development. Although the increase for each trip is small (approximately 120 metres), when multiplied by the number of bus trips annually, it adds up to a significant number of additional kilometres travelled. Transport for NSW has made comment on this in their submission. The alternative proposed by Transport for NSW, which is favoured by Busways, would reduce the additional travel distance but would also introduce a new intersection onto Georges River Road. This is contrary to the overall traffic planning for the project which has nominated intersections onto Georges River Road at three other locations. It also seeks to utilize a local road that has not been designed to cater for bus movements.

It is considered that the condition of the concept plan consent has been addressed satisfactorily. There has been consideration of potential alternatives in an effort to avoid any additional travel distance for Busways in particular, including going north through existing residential streets. However these options have been ruled out. Introducing a fourth intersection onto Georges River Road is not favoured in terms of broader traffic management issues. The proposed access route for the bus depot is

not inconsistent with the approved concept plan to which no objections were made by either TransportNSW or Busways.

Suitable outcomes can be achieved that accommodate the needs of both Endeavour Energy and Busways while allowing an efficient and safe construction program for the subdivision. The proposed details on maintaining longer term access to the Busways Depot and the Endeavour Energy substation are satisfactory.

Landscaping

Part B Condition 5 of the Concept Approval states:

Landscape entry statements are to be provided at the key entry points to the estate from St Johns Road and Georges River Road. Details on proposed treatments and works are to be provided as part of the landscape strategy to be submitted and approved by Council prior to any future application. The landscape strategy must incorporate a landscape buffer, consisting of screen planting of endemic species, within Georges River Road, in order to effectively screen rear fences and discourage graffiti. Details of this screen planting are to be included in the Development Applications for Stage One of the development.

The submitted Landscape Masterplan Report includes details of a proposed entry statement on Georges River Road. It has been called the entry “Wall of Courage” and builds on the connection with Kevin Wheatley VC that is already celebrated through the Kevin Wheatley VC Reserve. Approaching from the west along Georges River Road, the crossing of Smiths Creek will feature as the first marker of the new Airds estate. There will be clusters of multi-coloured posts, intermitted with blade walls, gradually melding into a solid wall. The pattern of colour decoration and distribution intensifies toward the entry to the estate with the bands of colour reminiscent of the bands and colours of Kevin Wheatley VC war medals.

Consultation on this feature has been conducted with the Department of Defence, the RSL and the family of Kevin Wheatley VC, including the proposed wording of an appropriate inscription. While there is support for the proposal from many parties, a recent community workshop on Place Building raised some alternative ideas. It questioned whether the entry wall should be more inclusive of other themes associated with Airds and that the strong emphasis on Kevin Wheatley VC may be best focused at the proposed new Kevin Wheatley VC Reserve.

The proposed landscaping for the Georges River Road frontage is considered to be acceptable although it needs to be confirmed through a condition of consent that the buffer plantings are to extend to the western most end of the Stage 1 lots (to Peppin Crescent). The ongoing community engagement involving this issue is noted. Should a change to the design of the wall be proposed at a later date then that can be dealt with at that time.

Development contributions – Voluntary Planning Agreement

Schedule 4 Condition 5 of the Concept Approval states:

Prior to any subsequent subdivision applications being determined, a Voluntary Planning Agreement (VPA) for payment of local infrastructure contributions, with the details of the contributions, and the nature of any land dedications or works in kind is to be negotiated and executed with Council. Each subsequent

subdivision application must be consistent with the VPA and identify any relevant contributions or works in kind required to be delivered for that stage.

The proponent has taken advice in relation to the validity of this condition, resulting in an application being made to the Director General of the Department of Planning and Industry to modify the Concept Approval. The wording of an alternative condition was not suggested by the proponent and will be determined by the Department having regard to the need to provide some certainty to the nature of the contributions and the timing of those contributions. Council was provided the opportunity to comment and at its meeting of 13 August considered a report that dealt with this matter. The full Council resolution is as follows:

- 1. That Council make a submission to the Department of Planning and Infrastructure regarding Urban Growth's modification application no. MP10-0186 MOD 1 advising that:*
 - a. no amendment to the Concept Plan Approval should be considered that would have the effect of altering Council's capacity to negotiate and execute a Voluntary Planning Agreement for the Airds Bradbury Renewal Project, in the best interests of the community.*
 - b. Council raises no objection to a modification to the Concept Plan Approval that accounts for the requirement for the proponent to put into place Works In Kind Agreements with Council to secure the funding and delivery of infrastructure relevant to Stages 1 and 2 of the Renewal Project, in accordance with the draft Voluntary Planning Agreement as amended and endorsed by Council.*
- 2. That Council formally acknowledge the letter of offer from the NSW Land and Housing Corporation dated 9 May 2013 and confirm its commitment to enter into a Voluntary Planning Agreement for the delivery of public amenity and infrastructure services associated with the Airds Bradbury Renewal Project.*
- 3. That Council request UrbanGrowth NSW to make amendments to the draft Voluntary Planning Agreement as submitted and associated documentation so that:*
 - a. Council is the responsible management authority for any newly constructed Community Facilities Centre, from the commencement of its operation.*
 - b. Any newly constructed Community Facilities Centre has exclusive access to at least 20 on site car parking spaces, secured through an appropriate legal mechanism.*
 - c. More detailed specifications for the proposed Community Facilities Centre (Option 2) are provided to satisfy Council that the facility can accommodate local community requirements.*
 - d. The proposed amenities buildings at both the proposed new Kevin Wheatley VC Reserve and Riley Park are a minimum of 205sqm GFA plus 110sqm awning.*
 - e. A minimum 80 off-street spaces are provided at the proposed new Kevin Wheatley VC Reserve playing fields.*
 - f. The minimum establishment/early maintenance period for bushland regeneration areas containing EECs is increased from two years to seven years or alternatively additional funds are made available to Council after the initial two year period, sufficient to enable Council to meet its higher establishment and early maintenance obligations for the management of EECs.*
 - g. Structural engineering certification, attesting to the integrity of the walls of the pond at Kevin Wheatley VC Reserve, is provided and referred to in the Voluntary Planning Agreement.*
- 4. That upon receipt of the requested amendments (Item nos. 3a to 3g inclusive) to Council's satisfaction, the draft Airds Bradbury Renewal Project Voluntary Planning Agreement and Infrastructure Services Delivery Plan be placed on public notification/exhibition with such public notification/exhibition to be carried out in accordance with the Environmental Planning and Assessment Act and Regulations, as soon as possible.*

5. *That the General Manager be delegated authority to execute the Agreement with NSW Land and Housing Corporation following public notification/exhibition and subject to any variations arising from community submissions or ongoing negotiations with NSW Land and Housing Corporation and UrbanGrowth NSW, deemed appropriate by the General Manager.*
6. *That the General Manager be delegated authority to provide owner's authorisation to the Airds Bradbury Renewal Project Stage 1 subdivision Development Application subject to a requirement that prior to the issue of the construction certificate for any access or works applicable to land currently owned by Council, the proponent is required to be the owner of that land*

At the time of finalizing this report, this Resolution was yet to be ratified through the normal Council procedures and therefore cannot yet be taken as the Council's final position on this matter. This will be confirmed as soon as possible and certainly before the Panel meeting scheduled for 29 August.

The Department of Planning and Infrastructure was informed of Council's position and at the time of writing this report, was yet to formally advise of their decision.

With direct reference to this Development Application, it is proposed to include a condition of consent that relevant development contributions for Stage 1 are delivered through a Works In Kind Agreement as recommended in the report to Council of 13 August. This is also proposed for Stage 2 and this will be addressed when that Development Application is considered.

The Works in Kind Agreement for Stage 1 reflects the scope and value of works anticipated in the proposed VPA. The works are set out in Schedule 3 of the WIKA which is **Attachment 6**. It includes works associated with the following:

- Water Cycle Management – bio-retention facilities, trunk stormwater pipes, upgrading of existing culverts, Smiths Creek detention basin, gross pollutant traps to a total value of \$1.88M
- Road works and intersection upgrades – Georges River Rd/Bellinger Rd intersection, collector roads, roads adjacent to parks, Georges River Rd/Riverside Drive intersection to a total value of \$970K
- Open space and landscape works – Georges River Rd entry wall to a value of \$177K
- Riparian and bushland regeneration – Smiths Creek Reserve regeneration to a value of \$174K

It is still intended that a Voluntary Planning Agreement be executed for Stage 3 onwards, as evidenced by the letter of offer received from the NSW Land and Housing Corporation dated 9 May 2013 and recommended in the report to Council of 13 August 2013. The information supplied to support the application to modify the Concept Approval condition reconfirms this intention.

It is likely that the existing Schedule 4 Condition 5 of the Concept Approval will be modified by the Department. As recommended in the report to Council of 13 August 2013, there would be no objection to this on the proviso that it does not fetter Council's ability to enter into an agreement to secure contributions in the best interests of the community. Through a combination of a modified condition and the proposed Works In Kind Agreement for the Stage 1 subdivision, it is considered that the intent of the original concept approval condition can be maintained and

appropriate development contributions arising from the Airds Bradbury Renewal project will be made.

Biodiversity

Part B Condition 7 of the Concept Approval states:

The biodiversity offset package shall be amended to address the principles for offset packages as set out in the letter from the Office of Environment and Heritage to Campbelltown City Council dated 23 December 2011. This package shall be prepared in consultation with the Office of Environment and Heritage and submitted to the Director-General for approval.

The Office of Environment and Heritage were provided an opportunity by the proponent to comment upon the final biodiversity offset package. They have provided comments on this without raising objection to the offset package.

Schedule 4 Conditions 7 of the Concept Approval states:

Prior to the determination of any future application for development under the concept plan, the applicant must satisfy the Council that the biodiversity offset package has been approved by the Director-General.

The Director-General of the Department of Planning and Infrastructure has approved the off-set package as evidenced by their letter to UrbanGrowth NSW dated 2 July 2013. (**Attachment 7**)

Schedule 4 Condition 8 of the Concept Approval states:

Prior to the determination of any future application which requires the removal of any Cumberland Plain Woodland or Shale Sandstone Transitional Forest, the proponent shall demonstrate to the satisfaction of Council that the measures in the biodiversity offset package have been secured via an approved legal mechanism.

The Stage 1 subdivision application proposes the removal of approximately 1.9 hectares of moderate-good condition Shale Sandstone Transition Forest (SSFT) with the remaining 1.7 hectares of moderate –good condition SSFT to be restored as part of bushland regeneration works within the Smiths Creek corridor. This is consistent with what was described within the concept plan. An ecological assessment report was prepared by Travers Bushfire and Ecology to support the Stage 1 subdivision and this report concluded that the removal of the SSFT, which is an endangered ecological community, was not of significance due to the restoration works proposed within Smiths Creek and the provision of offsets at St Helens Park as part of the Biodiversity Offset Strategy.

To satisfy Schedule 4 Condition 8 of the concept plan approval, on site conservation and restoration of Cumberland Plain Woodland and Shale Sandstone Transitional Forest are to be secured via a Deed of Agreement between Campbelltown City Council and NSW Land and Housing Corporation. A draft of the proposed agreement has been received and is being considered by Council.

The off-site offset locations are at Gilead (Cumberland Plain Woodland) and St Helens (Shale Sandstone Transition Forest) on sites currently owned by the Office of

Strategic Lands. These offsets are being secured through a Deed of Agreement between the proponents and the Office of Strategic Lands. Council has been provided with a copy of the proposed Deed.

A condition of consent for the Stage 1 subdivision should be imposed that requires both Deeds to be finalized prior to the issue of any Construction Certificate. This would ensure the intent of the original concept plan approval is maintained.

Bushland regeneration/management

Schedule 4 Condition 9 of the Concept Approval states:

The draft bushland management plan is to be finalised and approved by Council prior to determination of any subsequent subdivision applications under the approved concept plan. The final plan is to be approved prior to the removal of affected bushland and be consistent with actions identified in the letter from the Office of Environment and Heritage to Campbelltown City Council dated 23 December 2011.

A Bushland Management Plan has been finalized in satisfaction of the requirement of Schedule 4 Condition 9. The plan is acceptable in terms of the scope of works and will result in satisfactory ecological outcomes.

The one outstanding issue relates to responsibility for maintenance once primary bushland restoration works have been undertaken. The final negotiations necessary between the proponent and Council in relation to the Deed of Agreement, Works In Kind Agreement and ultimately the VPA, need to address the adequacy of the proposed 2 year maintenance period. Council believes that for those areas of bushland that are nominated biodiversity offset areas, the maintenance period should be 7 years.

Noise impact from sub-station

Schedule 4 Condition 20 of the Concept Plan approval states:

Noise assessments are required for applications seeking to subdivide land for future residential purposes that may be affected by noise emanating from the Endeavour Energy substation

Land within the Stage 1 subdivision may be affected by noise emanating from the Endeavour Energy substation. Therefore, in response to this condition the proponent provided an acoustic assessment report that provides a final proposal for noise control in the form of a landscaped noise barrier built along sections of the substation boundary, as well as some restrictions to the development potential of some nearby lots. A total of 35 lots are affected. The noise barrier would be a 4metre high acoustic wall, built within the substation property, with landscaping on the public side of the wall. This landscaping will be important to mitigate the possible visual impact of the wall on the residential properties in this locality.

Endeavour Energy has agreed to the design and placement of the noise attenuation walls. The development restriction on lots within 100metres of the substation would be in the form of a restriction of single storey construction only. A particular condition of consent that nominates the restricted lots and requires the placement of an s88B

Restriction As to User upon them is included in the draft set of conditions agreed to with the proponent.

7. Proposed conditions of consent

As a Crown application, Council has worked collaboratively with the proponent to create a draft set of conditions that are mutually acceptable. The emphasis has been on conditions that are necessary to meet the requirements of the concept plan approval and that provide some level of certainty in terms of acceptable construction standards.

The draft conditions of consent at **Attachment 8** are put forward for adoption with the endorsement of the proponent with the exception of a matter relating to fill compaction rates. This will be addressed by the proponent at the Panel meeting on 29 August.

8. Conclusion

The proposed Stage 1 subdivision of the Airds Bradbury Renewal Project is consistent with that envisaged in the approved concept plan.

Particular prerequisite conditions of the concept approval have been satisfactorily addressed as discussed in this assessment report.

Conditions of consent relevant for the Stage 1 subdivision have been discussed and agreed with the proponent.

It is therefore recommended that the Stage 1 subdivision for the Airds Bradbury Renewal Project be approved.

Recommendation

THAT Development Application 1610/2012/DA-RS, for Stage 1 subdivision of the Airds Bradbury Renewal Project, be approved subject to the conditions of consent as described in Attachment 9 to this report.